

July 8, 2021

Ending the Modifications to Children's Residential Facility Licensing Requirements

In May 2020, the commissioner issued a waiver suspending or modifying certain children's residential facility licensing requirements so that essential services could continue during the COVID-19 pandemic. In January 2021, programs were directed to begin resuming certain requirements. On June 30, the Minnesota Legislature voted to end the state peacetime emergency effective Thursday, July 1, 2021, at 11:59 p.m. This means that some temporary modifications put in place during the COVID-19 peacetime emergency will be ending immediately while other modifications will end on August 30, 2021. The legislature only allowed DHS to extend some of the waivers for 60 days beyond the end of the peacetime emergency, after which providers must return to following all licensing requirements as provided in rule and statute. License holders must resume meeting requirements in rule and statute according to the following timelines.

Effective immediately:

1. DHS recommends that providers continue to follow COVID-19 guidance from the Minnesota Department of Health (MDH) and the Centers for Disease Control and Prevention (CDC).
2. Providers are no longer required to maintain and update a COVID-19 preparedness plan; however, providers may find their plan to be a useful resource in the event someone tests positive for COVID-19.
3. In-person visitors at the program must be allowed as required in the rule.
4. Programs must resume meeting all rule requirements for a resident's participation in education.

Effective on August 31, 2021 (60 days after the end of the peacetime emergency):

Effective August 31, 2021, your program must be fully compliant with all relevant statutes and rules, including the following previously waived requirements that have not otherwise expired:

1. Residents must be allowed to attend in-person spirituality services, activities, and counseling sessions as appropriate and according to requirements.
2. Health screens must be completed according to rule requirements.
3. Programs must resume providing group therapy and group counseling as required.
4. Mental health treatment programs must provide face-to-face weekly clinical supervision by a mental health professional.
5. Written informed consent for the nonemergency administration of an antipsychotic or neuroleptic medication must be obtained as required.
6. Shelter programs must request a variance from DHS to allow a resident to stay for more than 90 days.

7. An administrative review of each use of a restrictive procedure must be completed within three working days after the use of the procedure.
8. Certified mental health treatment programs and shelter programs must resume meeting the staffing ratios as required in the rule.
9. The minimum age of staff must be 21 years of age or the program must request a variance to hire new staff. Staff hired under 21 years of age, as allowed by the waiver, may continue to work at the program without a variance.
10. Staff persons that transport children under eight years of age in a motor vehicle must resume completing child passenger restraint (CARS) training as follows:
 - **New staff after August 30, 2021 who need CARS training:** After the 60-day waiver off-ramping period ends, all new staff that transport children under eight years of age in a motor vehicle must meet the child passenger restraint systems training requirements outlined in Minnesota Statutes, section [245A.18](#).
 - **Staff who needed the initial CARS training during the peacetime emergency or 60 day waiver off-ramp period (through August 30, 2021):** Individuals who completed the online CARS training, as allowed by the waiver, are not required to but are highly encouraged to complete the in-person training as soon as possible.
 - **Staff whose training expired during the peacetime emergency or 60 day waiver off-ramp period (through August 30, 2021):** Staff whose training expired during the peacetime emergency must come into full compliance with the requirements of Minnesota Statutes, section [245A.18](#) and complete in-person training by December 31, 2021.